

April 6, 1998

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 6, 1998
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, the following proclamations were read: "Quarters For Kids Blue Ribbon Month"; "National Day of Prayer"; Fair Housing Month"; and National Pay and Equity Day".

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell provided information to council concerning the approved sidewalk program. Also, the City Manager requested council to continue the public hearing until the April 20, 1998 City Council Meeting on GBA #8 [Dearborn Street Closing]. There were no priority items from the City Attorney/City Clerk.

In memory of the late Josephine Dobbs Clement, Dr. Hugh Lecky asked the council to consider renaming Gregson Street and Vickers to J. D. Clement Street.

Speaking on behalf of the Clement Family, Mayor Pro Tempore Clement thanked all the citizens of Durham for their condolences. Mayor Pro Tempore Clement asked that the request made by Dr. Lecky be referred to the appropriate committee for consideration.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. The Mayor noted the revisions to the Consent Agenda which were acted upon at the Committee-of-the-Whole Meeting.

MOTION by Council Member Cox seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

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SUBJECT: DURHAM POLICE DEPARTMENT STAFFING REPORT AND RECOMMENDATIONS

MOTION by Council Member Cox seconded by Council Member Miller to receive the Durham Police Department Staffing Report and recommendations and to refer the report to the City Manager was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LEASE WITH DUKE UNIVERSITY FOR A BACKUP 911 CENTER

To authorize the City Manager to execute a Lease for Backup 911 Center between Duke University, the City of Durham, and the County of Durham.

To authorize the City Manager to modify the Lease, before signing it, if he finds that the modifications are consistent with the general intent of the existing version of the Lease.

MOTION by Council Member Cox seconded by Council Member Miller to refer this item to the April 9, 1998 Finance Committee Meeting was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PRELIMINARY APPROVAL - ELDERLY RENTAL PROJECTS AT OR BELOW 60% OF AREA MEDIAN INCOME - ROCKWOOD TWO LIMITED PARTNERSHIP - 1996 HOUSING BOND FUNDS

MOTION by Council Member Cox seconded by Council Member Miller to approve a preliminary allocation of 1996 Housing Bond funds in an amount of \$334,500 to the Rockwood Two Limited Partnership for development of 24 elderly apartments, subject to negotiation of financing terms for the project and development of loan documentation on terms and conditions satisfactory to the City, and final City Council approval in the discretion of the City Council was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CITY OF DURHAM PROJECT ORDINANCE - PUBLIC TRANSPORTATION TIER I TECHNOLOGY FUNDING

MOTION by Council Member Cox seconded by Council Member Miller to

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adopt the "City of Durham Grant Project Ordinance Public Transportation Tier I Technology Funding" was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11396

SUBJECT: REALLOCATED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR SIDEWALK CONSTRUCTION ON LIBERTY STREET, ELIZABETH STREET, LAKEWOOD AVENUE, MAPLEWOOD AVENUE AND VICKERS AVENUE - AUTHORIZATION FOR EXPENDITURE EDMONT AREA II

MOTION by Council Member Cox seconded by Council Member Miller to authorize the expenditure of reallocated CDBG funds from Edgemont Area II public improvement accounts in the amount of \$248,000 to be used for the construction of sidewalks on Liberty Street, Elizabeth Street, Lakewood Avenue, Maplewood Avenue and Vickers Avenue was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING JOSEPHINE DOBBS CLEMENT

MOTION by Council Member Cox seconded by Council Member Miller to direct the City Clerk to draft a resolution memorializing Josephine Dobbs Clement was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONTRACT FOR ENGINEERING SERVICES FOR WATER TREATMENT PILOT PLANT DESIGN AND OPERATION - HAZEN AND SAWYER, P.C.

MOTION by Council Member Cox seconded by Council Member Miller to authorize the City Manager to execute a contract with Hazen and Sawyer, P.C. for engineering services for water treatment pilot plant design and operation for a fee not to exceed \$300,000 and to include a contingency amount for additional work not to exceed \$50,000 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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SUBJECT: MAYOR'S NOMINATION TO THE ENVIRONMENTAL AFFAIRS BOARD

To approve the Mayor's nomination to the Environmental Affairs Board--term to expire June 1, 2002.

MOTION by Council Member Cox seconded by Council Member Miller to defer this item until a later date [to be sent through the Joint City/County Planning Committee] was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RECREATION ADVISORY COMMITTEE APPOINTMENT - MAYOR'S NOMINATION

MOTION by Council Member Cox seconded by Council Member Miller to approve the Mayor's nomination for appointment of Ethel Simonette to the Recreation Advisory Committee for a term to expire August 8, 2000 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - GAITHERS POINTE AND LINDEN OAKS SUBDIVISIONS

MOTION by Council Member Cox seconded by Council Member Miller to approve a site plan for the Gaithers Pointe and Linden Oaks Subdivisions, submitted by Caswyck - HVF LLC, consisting of 113 single family lots, proposed on a ±38.17 acre site, zoned PDR 3.44, and located west of Roxboro Street, north of Juliette Drive (Tax Map #508-01-01) was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED ACQUISITION FOR MARTIN LUTHER KING, JR. PARKWAY LOCATED AT 3128 WHITAKER ROAD, PROPERTY OF LAUREL GOLDMAN

MOTION by Council Member Cox seconded by Council Member Miller to approve the acquisition of land and improvements located at 3128 Whitaker Road, Tax Map 415-05-002, property of Laurel Goldman in the amount of \$65,000 was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin,

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Jacobs, Langley, Larson, McKissick and Miller. Noes: None.
Absent: None.

SUBJECT: "REPAIR ONLY" ORDINANCE - 1999 LEGISLATIVE SESSION (LONG SESSION)

MOTION by Council Member Cox seconded by Council Member Miller to receive a report from the Administration concerning a "Repair Only" Ordinance; and

To adopt a Resolution in Support of "Repair Only" Ordinance and to refer the Resolution to the Legislative Subcommittee was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Resolution #8442

SUBJECT: MUNICIPAL AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) FOR FAYETTEVILLE ROAD/BARBEE ROAD INTERSECTION (PROJECT #1955N)

MOTION by Council Member Cox seconded by Council Member Miller to adopt a resolution authorizing the City Manager to enter into a municipal agreement with NCDOT for the improvement of the Fayetteville Road/Barbee Road intersection; and

To find that the Fayetteville Road/Barbee Road Intersection Improvement project is 100% necessitated by new construction and that up to 50% of the capital costs of that project may be paid by impact fees collected within the same service zone and collected for the same purpose; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11349 Concerning Miscellaneous Thoroughfare Right-of-Way Acquisition and Construction" was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8443
Ordinance #11397**

SUBJECT: REVISED SPEED HUMP POLICY

MOTION by Council Member Cox seconded by Council Member Miller to receive a report on a Revised Speed Hump Policy; and

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To adopt the "City of Durham Capital Project Ordinance Speed Hump Installations" was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11398

SUBJECT: RESOLUTION REGARDING THE TRIANGLE REGIONAL SUMMIT ON AMERICA'S PROMISE AND VOLUNTEERISM

MOTION by Council Member Cox seconded by Council Member Miller to adopt a "Resolution Regarding the Triangle Regional Summit on America's Promise and Volunteerism" was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Resolution #8444

SUBJECT: BIDS - INDUSTRIAL GRADE POLICE PATROL VEHICLE SURVEILLANCE SYSTEMS - KUSTOM SIGNALS, INC.

MOTION by Council Member Cox seconded by Council Member Miller to accept the bid from Kustom Signals, Inc. in the amount of \$318,552.12 for furnishing and installing 68 industrial grade police patrol vehicle surveillance systems was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BIDS - YARD WASTE COLLECTION CARTS - OTTO INDUSTRIES, INC.

MOTION by Council Member Cox seconded by Council Member Miller to receive a report from the Administration concerning yard waste collection carts; and

To accept the bid from Otto Industries, Inc. in the amount of \$519,320.00 for providing the City with yard waste collection carts was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN IMPROVEMENTS UNDER ENABLING ACT AUTHORITY

MOTION by Council Member Cox seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, April 20, 1998 to consider ordering the following improvements under the Enabling Act Authority was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a. **Sewer Main - South Alston Avenue** from south property line of Tax Map 555-4-15 to north property line of Tax Map 556-4-3A; and
- b. **Sidewalk - Lawson Street (North Side)** from South Briggs Avenue to Bacon Street

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - RIDGESTONE PARKWAY

MOTION by Council Member Cox seconded by Council Member Miller to adopt an ordinance establishing a 25 mph speed limit on Ridgestone Parkway beginning at the north curb line of Rose of Sharon Road, if extended, and extending northward to the end of City maintenance was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11399

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - WOODMONT DRIVE

MOTION by Council Member Cox seconded by Council Member Miller to adopt an ordinance establishing a 25 mph speed on Woodmont Drive from Marlowe Drive to North Pointe Drive was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11400

SUBJECT: SCHOOL ZONE - TWENTY-FIVE MILE PER HOUR SPEED LIMIT -

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BUCHANAN BOULEVARD

MOTION by Council Member Cox seconded by Council Member Miller to adopt an ordinance establishing a 25 mph speed limit on Buchanan Boulevard [during the period from 7:15 a.m. to 8:15 a.m. and from 2:30 p.m. to 3:30 p.m. on school days] beginning at the north curb line of Chapel Hill Street, if extended, and extending for a distance of 912 feet northward to the south curb line of Wilkerson Avenue, if extended was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11401

SUBJECT: FORTY-FIVE MILE PER HOUR SPEED LIMIT - US 70 HIGHWAY (HILLSBOROUGH ROAD)

MOTION by Council Member Cox seconded by Council Member Miller to adopt an ordinance establishing a 45 mph speed limit on US-70 Highway (Hillsborough Road) from the Orange County line to a point 1.06 mile east of SR 1314 (Neal Road) was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11402

SUBJECT: ONE-WAY STREETS - CATALPA DRIVE/ELLINGTON STREET

MOTION by Council Member Cox seconded by Council Member Miller to adopt an ordinance establishing one-way traffic at the following locations was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a. Catalpa Drive from Cheek Road to Ellington Street, southbound traffic; and
- b. Ellington Street from Catalpa Drive to Heidelberg Street, eastbound traffic

Ordinance #11403

SUBJECT: MARKHAM AVENUE - PARKING PROHIBITION

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MOTION by Council Member Cox seconded by Council Member Miller to adopt an ordinance to repeal Ordinance #2839, adopted March 24, 1969, which prohibits parking on the north side of Markham Avenue in the area beginning at Colonial Street and extending from that point eastwardly to the dead end of Markham Avenue; and

To adopt an ordinance to prohibit parking on the north side of Markham Avenue in the area beginning at a point 335 feet east of the east curb line of Colonial Avenue, if extended, and extending for a distance of 250 feet eastwardly was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Ordinance #11404

Ordinance #11405

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Cox seconded by Council Member Miller to approve the official minutes of the regular March 2, 1998 City Council Meeting was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: Sewer Main - N.C. 98 Highway from Valleydale Drive to Nichols Farm Road and **Valleydale Drive** from N.C. 98 Highway to West Property Line of Tax Map 633-3-10

Due to an objection, City Engineer Ken Wright requested that the property of Cindy Rigsbee be referred to the Public Works Committee.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on N.C. 98 Highway from Valleydale Drive to Nichols Farm Road and Valleydale Drive from N.C. 98 Highway to west property line of

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Tax Map 633-3-10 and to refer the property of Cindy Rigsbee to the Public Works Committee for further consideration was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - Valleydale Drive from Mineral Springs Road to East Property Line of Tax Map 633-3-9

Due to an objection, City Engineer Ken Wright requested that the property of Lois Cannady (2 parcels) be referred to the Public Works Committee.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Valleydale Drive from Mineral Springs Road to east property line of Tax Map 633-3-9 and to refer the properties of Lois Cannady to the Public Works Committee for further consideration was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Water Main - Joyner Road from Geer Street to Beauford Road

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering water main improvement on Joyner Road from Geer Street to Beauford Road was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CITIZEN REVIEW BOARD

To receive the Citizen Review Board Policy Procedural

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Recommendation from the Administration.

To receive citizen comments on the recommendation.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Ralph McKinney spoke on this item.

Stella Adams spoke in support of this item. Also, Ms. Adams noted that employees within the police department should be able to have a fair hearing to have their grievances reviewed.

Mike Shiflett spoke in support of the Citizens Review Board.

Mayor Tennyson asked if there were other individuals present wanting to speak. The public hearing was closed by the Mayor.

Several Council Members thanked the City Manager Ewell and Police Chief Chambers for their efforts relative to the Citizens Review Board.

Council Member Cox requested that members of the Citizens Review Board be residents of the City of Durham; alternates positions be established and that all members be registered voters.

Council Member Jacobs requested that board members taxes be current.

MOTION by Council Member Larson seconded by Council Member Miller to receive the Citizen Review Board Policy Procedural Recommendation from the Administration; and

To receive citizen comments on the recommendation was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TAXICAB AND WHEELCHAIR VAN RATES

To receive citizen comments on proposed amendments to Section 22-148 and 22-159.5 of the Durham City Code concerning taxicab and wheelchair van rate increases.

To adopt "An Ordinance Amending Section 22-148 of the Durham City Code Concerning Taxicab Rates."

To adopt "An Ordinance Amending Section 22-159.5 of the Durham City Code Concerning Wheelchair Van Rates."

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Stella Adams spoke in opposition to two of the proposed increases.

She stated the mileage rate was inappropriate and she was opposed to the \$1.00 surcharge. Ms. Adams noted that if these increases are allowed, the City of Durham needed to be certain that the services of taxicabs are reliable.

Attorney Jack Markham, representing the Durham Taxicab Association & ABC Cab Company, noted this was the first request for a rate increase since March of 1994 and a policy was set by the City Council stating the rates would be reviewed every three years. Mr. Markham stated this was the only the third rate increase since 1981. Attorney Markham stated the 1994 rate increase, while welcomed at that time, inadequately covered existing operating expenses. He stated the current request for a rate increase would help cover some of the previous shortfall. Mr. Markham stated the current operators have a difficult time competing for drivers even with minimum wage employers. He stated the increase would allow taxicab operators to pay better salaries, compete for better drivers, meet the operating expenses and provide better taxicab service.

Alfred Clark spoke in support of the taxicab rate increase. He noted they have more taxis than drivers due to the pay. He stated the drivers do not receive vacation, sick nor holidays with pay. He also noted that driving a taxicab was a dangerous job. Mr. Clark stated the taxicab drivers wanted to provide better service; however, they needed the resources.

Algin Holloway spoke in support of the taxicab rate increase.

Mayor Tennyson asked if there were other persons wishing to speak. The public hearing was closed by the Mayor.

Council Member Miller stated the comments should be reviewed to make certain that the revised taxicab ordinance, when finalized, corresponds with the proposed rate increase.

A motion was made by Council Member Miller to receive the comments and to defer the adoption of the ordinances until the revised taxicab ordinance is presented and approved. This motion was seconded by Council Member Jacobs.

Mark Ahrendsen, of the Transportation Department, briefed council on the ranking of Durham relative to the national average for the proposed taxicab rate increase.

Council Member McKissick stated the rate increase being proposed was reasonable. He noted it would be unfair to the taxicab drivers to delay action on this matter.

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A substitute motion was made by Council Member McKissick to approve the item as printed on the agenda. This motion was seconded by Mayor Pro Tempore Clement.

Mark Ahrendsen briefed council on Durham's current and proposed rates compared to other cities in the triangle.

Council Member Miller stated the council needed to make sure that they also represent the citizens that utilize the cab service and delaying adoption of the rate increase until the taxicab ordinance was finalized would be appropriate. He also noted the council had passed several measures to help deal with some of the complaints by the taxicab drivers.

Several Council Members opposed delaying the adoption of the rate increase.

SUBSTITUTE MOTION TO THE SUBSTITUTE by Council Member Cox seconded by Council Member Engelhard to receive citizen comments on proposed amendments to Section 22-148 and 22-159.5 of the Durham City Code concerning taxicab and wheelchair van rate increases; and to refer the adoption of taxicab and wheelchair van rate increases to the Finance Committee scheduled for April 9, 1998 for the committee to review the citizens comments **FAILED** at 9:06 p.m. by the following vote: Ayes: Council Members Cox, Langley, Burnette and Engelhard. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members McKissick, Jacobs, Larson, Miller, Griffin, Brown and Blyth. Absent: None.

SUBSTITUTE MOTION by Council Member McKissick seconded by Mayor Pro Tempore Clement to receive citizen comments on proposed amendments to Section 22-148 and 22-159.5 of the Durham City Code concerning taxicab and wheelchair van rate increases;

To adopt "An Ordinance Amending Section 22-148 of the Durham City Code Concerning Taxicab Rates"; and

To adopt "An Ordinance Amending Section 22-159.5 of the Durham City Code Concerning Wheelchair Van Rates" was approved at 9:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson and McKissick. Noes: Council Members Engelhard and Miller. Absent: None.

Ordinance #11406
Ordinance #11407

SUBJECT: 1998-99 CONSOLIDATED ACTION PLAN DRAFT

To receive a report from the Administration on the 1998-99

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Consolidated Action Plan draft.

To receive citizen comments on the 1998-99 Consolidated Action Plan Draft.

Michael Pullum, of the City/County Planning Department, briefed council on the purpose of the hearing. Mr. Pullum stated that the planning staff recommendations were included in the Consolidated Action Plan Draft.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Stella Adams raised concern with the plan using only one methodology for addressing rental assistance. Ms. Adams stated she would like to see some addition to the consolidated plan that would note that efforts will be made to disperse vouchers in Section 8 certificates for a wider geographic area. Ms. Adams noted efforts should be made to make more rental housing available to citizens by allocating housing bond funds. Also, Ms. Adams noted that none of the projects submitted in Lyon Park were funded.

Reverend Frederick Davis, representing Calvary Ministries, asked the council to reconsider their request to fund a Development Specialist.

Frank Jacobs, representing Calvary Ministries, also spoke in support of funding for a Development Specialist.

Mayor Tennyson asked if there were other individuals present wanting to speak. The Mayor closed the public hearing.

Council Member Brown asked for clarification on the role of the Development Specialist requested by Calvary Ministries.

Reverend Frederick Davis stated the person in this position would be a fund specialist for any initiatives Calvary Ministries attempted to accomplish.

Council Member Brown requested information on other sources of funding available to help Calvary Ministries and other proposals which were not recommended by the administration.

Paul Joyner, of the City/County Planning, stated if the council chose to fund Calvary Ministries, the staff would need to reconsider the recommendation due to the fact that the \$1.7 is allocated to various agencies. He stated the administration could submit a recommendation that would show some of the funding being changed in other areas. Relative to funding for projects not recommended by the staff, Mr. Joyner noted in their correspondence to the agencies they did recommend other sources for funding.

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Council Member Cox asked if the proposals submitted by Calvary Ministries were eligible for funding.

Paul Joyner stated Calvary Ministries proposals did meet the eligible objectives. He stated there was some criteria that was utilized by the administration and the proposals did not rank high relative to the goals.

Council Member Cox requested the administration to re-evaluate the proposals that were eligible for funding.

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the 1998-99 Consolidated Action Plan draft; and

To receive citizen comments on the 1998-99 Consolidated Action Plan Draft was approved at 9:28 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

To receive a report from the Administration concerning the reallocation of FY 1995-1996, 1996-1997, and 1997-1998 CDBG funds in the amount of \$1,500,320.00.

To receive citizens' comments on the proposed reallocation of FY 1995-1996, 1996-1997, and 1997-1998 CDBG funds in the amount of \$1,500,320.00.

Michael Pullum, of the City/County Planning Department, briefed council on the purpose of the hearing.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Reverend Frederick Davis, representing Calvary Ministries, stated in their 1996 proposal they requested \$100,000; however, they only received \$30,000. Reverend Davis stated if there were any funds remaining from 1996 they would like to make a request for monies.

Mayor Tennyson asked if there were other individuals present wanting to speak. The Mayor closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the reallocation of FY 1995-1996, 1996-1997, and 1997-1998 CDBG funds in the amount of \$1,500,320.00; and

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To receive citizens comments on the proposed reallocation of FY 1995-1996, 1996-1997, and 1997-1998 CDBG funds in the amount of \$1,500,320.00 was approved at 9:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STREET CLOSING (CASE SC97-12) - PORTION OF DEARBORN DRIVE (HOUSING AUTHORITY OF THE CITY OF DURHAM)

To receive a report from the Administration on the proposed closing of a portion of Dearborn Drive.

To receive citizen comments on the proposed street closing.

To adopt an "Order Permanently Closing a 23,889± Square Foot Portion of Dearborn Drive, between Danube Lane and Keystone Place."

MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing on this matter until the April 20, 1998 City Council Meeting without further advertising was approved at 9:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STREET CLOSING - 14,810.10 SQUARE FOOT PORTION OF FULLER STREET, BETWEEN FERNWAY AND MORGAN STREETS

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to receive a report from the Administration on the proposed closing of a portion of Fuller Street; and

To receive citizen comments on the proposed street closing; and

To adopt an "Order Permanently Closing 14,810.10 Square Feet of Fuller Street, between Fernway Street and Morgan Street" was approved at 9:38 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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Ordinance #11408

**SUBJECT: IMPACT FEE APPEAL CASE 98-01- RALPH BULLOCK
(QUASIJUDICIAL MATTER)**

To receive information from staff regarding the Impact Fee Appeal by Ralph Bullock.

To hear the appeal of Ralph Bullock contesting the Impact Fee of \$758.24 assessed when he moved his house to a new location.

To review the evidence presented, and enter a final decision amending or confirming the amount of the Impact Fee (including findings of fact and conclusions explaining the basis for the decision).

Mayor Tennyson explained the proceedings for Case 98-01.

City Clerk Bowers swore in the following individuals: Nav Gill and Dawn Huynh.

Mayor Tennyson asked council to reveal any possible conflicts and to withdraw from this hearing if necessary. Also, the Mayor asked if any councilmember had been exposed to any evidence or information that may not come out at the hearing tonight.

Mayor Tennyson opened the hearing on Case 98-01.

Testimony from Staff

Dawn Huynh, of the Treasury Department, noted the appealing party Ralph Bullock was assessed an impact fee in the amount of \$758.24 when he moved his house to a new location. She stated the administrative board confirmed the impact of the fee according to the ordinance; however, Mr. Bullock was appealing same. Also, Ms. Huynh noted that the ordinance states that the impact remains with the land and Mr. Bullock was not entitled to any impact fee credit.

The Mayor asked if there were any questions from the council.

Mayor Tennyson informed the council that Mr. Bullock was not present at the meeting.

Council Member Larson asked if the city consistently charged for an impact fee when a house is moved to a new location.

Dawn Huynh replied yes.

Due to the fact that Mr. Ralph Bullock was not present at the meeting to speak on this matter, the following action was taken by

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Council:

MOTION by Mayor Pro Tempore Clement seconded by Council Member Blyth to continue the public hearing on Case 98-01 until the April 20, 1998 to allow Mr. Bullock to appear before the council regarding his impact fee appeal request was approved at 9:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson and McKissick. Noes: Council Member Miller. Absent: None.

SUBJECT: TAXICAB COMMISSION REPORT

To receive a report from the Taxicab Commission and to take action on the following recommendations of the Taxicab Commission--pursuant to Section 22-159.10 of the Durham City Code:

- a. Revocation of Operator's License due to insurance violation - J & L Cab Company #100

Taxicab Inspector's Recommendation: Revoke Operator's License #100--in accordance with City Code

Taxicab Commission's Recommendation: Allow J & L Cab Company to retain Operator's License #100; Vote 4-0

MOTION by Council Member Cox seconded by Mayor Pro Tempore Clement to allow J & L Cab Company to retain Operator's License #100 was approved at 9:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, McKissick and Miller. Noes: Council Member Larson. Absent: None.

- b. Transfer of Operator's License - J. C.'s Cab Company #80 to Mouawya M. Elhassan

Taxicab Inspector's Recommendation: Approve transfer of Operator's License #80--in accordance with City Code

Taxicab Commission's Recommendation: Approve transfer of Operator's License #80; Vote 4-0

MOTION by Mayor Pro Tempore Clement seconded by Council Member Cox to approve transfer of Operator's License #80 to Mouawya M. Elhassan was approved at 9:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- c. Revocation of Taxicab Driver's Permit - Evangeline Roberson

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Taxicab Inspector's Recommendation: Revoke Driver's Permit--
in accordance with City Code

Taxicab Commission's Recommendation: Revoke Driver's Permit;
Vote 4-0

MOTION by Mayor Pro Tempore Clement seconded by Council Member Griffin to revoke driver's permit [Evangeline Roberson] was approved at 9:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- d. Citizen's Complaint - Complaint filed by Danyetta Young against Ralph McCoy, REM Cab Company

Taxicab Commission's Recommendation: Suspend Ralph McCoy's Driver's Permit for 90 days; Vote 3-1.

Ralph McCoy, of REM Cab Company, addressed council requesting that his driver's permit not be suspended.

Danyetta Young addressed council requesting that Mr. McCoy's permit be suspended.

A motion was made by Council Member McKissick to suspend Mr. McCoy's driver's permit for 15 days. This motion was seconded by Council Member Engelhard.

SUBSTITUTE MOTION by Council Member Larson seconded by Council Member Griffin to suspend Ralph McCoy's driver's permit for 90 days **FAILED** at 10:23 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Larson and Blyth. Noes: Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, McKissick and Miller. Absent: None.

MOTION by Council Member McKissick seconded by Council Member Engelhard to suspend Mr. McCoy's driver's permit for 15 days was approved at 10:23 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Engelhard, Griffin, Larson, McKissick and Miller. Noes: Mayor Pro Tempore Clement and Council Members Langley, Burnette, Cox and Jacobs. Absent: None.

SUBJECT: DURHAM PLANNING COMMISSION NOMINATIONS

To nominate a citizen to fill one vacancy representing District 6 on the Durham Planning Commission for a term to expire June 30, 2000.

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By ballot, the City Council nominated Preston Edwards to serve on the Durham Planning Commission.

MOTION by Council Member Larson seconded by Council Member Miller to appoint Preston Edwards to fill one vacancy representing District 6 on the Durham Planning Commission for a term to expire June 30, 2000 was approved at 10:24 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 10:24 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk